

1723
JW 199.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/698,378	
	Filing Date	October 27, 2000	
	First Named Inventor	William Kopaciewicz	
	Art Unit	1723	
	Examiner Name	Fortuna, Ana M.	
Total Number of Pages in This Submission	9	Attorney Docket Number	550P002C3

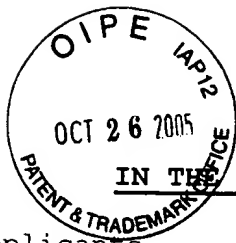
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input checked="" type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	-Resubmission of Information Disclosure Statement (2-Pages), Form PTO-1449 (1-Page) and a copy of the communication, with English translation dated 8/2/04.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Nields & Lemack		
Signature			
Printed name	Kevin S. Lemack		
Date	October 24, 2005	Reg. No.	32,579

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Kevin S. Lemack	Date	October 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : William Kopaciewicz, et al.
Serial No. : 09/698,378
Filed : October 27, 2000
For : CAST MEMBRANE STRUCTURES FOR SAMPLE PREPARATION
Examiner : Fortuna, Ana M
Art Unit : 1723
Confirmation No. : 6511
Customer No. : 42754
Docket No. : 550P002C3
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on October 24, 2005 (Date)

Kevin S. Lemack
Name of applicant, assignee, or Registered Representative

[Signature]
Signature
October 24, 2005
Date

Sir:

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement, together with Form PTO-1449, was submitted by first class mail on July 15, 2005. In response thereto, the Examiner mailed a Communication on October 11, 2005, indicating that Japanese Reference 4-334546 (Reference BA on Form PTO-1449) was not considered because it lacked a concise explanation of relevance.

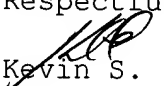
However, accompanying the IDS submitted on July 15, 2005 was the Japanese Communication in a counterpart application that cited this reference, along with an English translation of the Communication. It is noted that MPEP §609.04(a) reads in part as follows:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." (Emphasis added.)

In the last paragraph on page 2 of the English translation of the Japanese Communication, the degree of relevance of the reference in question is set forth. Accordingly, it is believed that the rules were complied with, and the reference should have been considered by the Examiner.

Enclosed is another copy of form PTO-1449. It is respectfully requested that the Examiner consider Japanese reference 4-334546 and return an initialed form PTO-1449 to the undersigned indicating such consideration.

Respectfully submitted,


Kevin S. Lemack
Reg. No. 32,579
176 E. Main Street - Suite 7
Westboro, Massachusetts 01581
TEL : (508) 898-1818



FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 550P002C3	SERIAL NO. 09/698,378
	William Kopaciewicz	
	FILING DATE October 27, 2000	GROUP 1723

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	3-7401	1/1991	Japan				X*
	BA	4-334546	11/1992	Japan				X
	BB	6-315603	11/1994	Japan				X
	BC	6-511193	12/1994	Japan				X*
	BD	8-278303	10/1996	Japan			X	
	BE	82/00774	3/1982	WO			X	
	BF	93/06924	4/1993	WO			X	
	BG	97/00442	1/1997	WO			X	
	BH	98/37949	9/1998	WO			X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

CA		Copy of English translation of Japanese communication dated 8/2/04
CB		
CC		
CD		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

*=Corresponding WO patent.